

Attorney Docket No. DE 040046

REMARKS**I. INTRODUCTION**

Claims 1-9 have been amended. Claim 10 has been cancelled. Claim 11 has been added. No new matter has been added. Thus, claims 1-9 and 11 are now pending in the present application. Support for the amendments can be found at least at ¶ [0027] of the published specification. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 3 and 6 stand rejected under 35 U.S.C. §112, second paragraph, for being indefinite. In light of the amendments to these claims, the withdrawal of this rejection is respectfully requested.

III. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claims 1-8 and 10 stand rejected under 35 U.S.C. §102(b) for being anticipated by Twiss et al. (U.S. Patent No. 5,375,596).

Claim 1 has been amended and now recites “[a] catheter system, comprising: a first catheter element with at least a first active localizer, wherein a spatial position of the first active localizer can be determined; and a second catheter element with at least a second active localizer, wherein a spatial position of the second active localizer can be determined; wherein the first and the second catheter element are slidably coupled, and wherein the first and the second active localizers are used simultaneously to determine the spatial positions of the first and second active localizers with respect to each other.”

Twiss discloses a transmitter/detector unit (2), a guidewire assembly (22), and a catheter assembly (30). Both the guidewire assembly and the catheter assembly may

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have antennas, which communicate with transmitter/detector unit 2. In one embodiment, Twiss discloses that "the guidewire is inserted in the patient first and when it's location has been determined to be correct the catheter is inserted by slipping it over the guidewire and when it is in the proper position the guidewire is withdrawn." (See Twiss, col. 4, ll. 43-47). So, in this case, only one antenna is being used to determine the location of that antenna. Thus, there is never a determination of spatial positions of the two antennas with respect to each other in this arrangement of Twiss.

Alternately, Twiss discloses that antenna 32, which is on catheter assembly 30, "could also be used with guidewire 22 still in place thus making antenna 28 [disposed on the guidewire 22] unnecessary." (See Id., col. 5, ll. 41-42). So even with both the guidewire and the catheter present, Twiss never teaches that a position of the two antennas with respect to each other is to be determined. In contrast, claim 1 recites "wherein the first and the second active localizers are used simultaneously to determine the spatial positions of the first and second active localizers with respect to each other." Because Twiss fails to disclose or suggest this limitation, it is respectfully submitted that claim 1 and its dependent claims 2-6 are allowable over Twiss.

Claim 7 recites "a) determining a spatial position of the first active localizer relative to the vascular system; and b) determining a spatial position of the second active localizer relative to the spatial position of the first active localizer, wherein the determining steps are performed substantially simultaneously." Therefore, it is respectfully submitted that claim 7 and its dependent claim 8 are also allowable over Twiss for at least the forgoing reasons presented with regard to claim 1.

IV. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claim 9 stands rejected under 35 U.S.C. §103(a) for being obvious over Twiss in view of Kucharczyk et al. (U.S. Published App. No. 2006/0074295).

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Applicants respectfully submit that Kucharczyk fails to cure the above described deficiencies of Twiss with respect to claim 7. Because claim 9 depends on and, therefore, contains all of the limitations of claim 7, it is respectfully submitted that claim 9 is allowable.

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It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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